

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Sullivan Township, Moultrie County, Illinois  
Petitioner,

Vs.

Union Pacific Railroad Company and the State of Illinois, Illinois  
Department of Transportation,  
Respondents.

T03-0048

Petition for an Order of the Illinois Commerce Commission  
authorizing permanent closure and removal of the T.R. 104 grade  
crossing (DOT # 167270M) and authorizing the signalization and  
improvement of the T.R. 117A grade crossing (DOT # 167269T)  
located in Sullivan Township, Moultrie County, Illinois on the  
trackage of Union Pacific Railway Company, together with  
construction of a connecting road, and allocating a portion of the  
cost to the Grade Crossing Protection Fund.

ORDER ON REHEARING

On May 20, 2003, the Township of Sullivan, Moultrie County ("Township", "County" or "Petitioner"), filed its Petition with the Illinois Commerce Commission ("Commission") naming therein the Union Pacific Railroad Company ("UP" or "Railroad") and the Illinois Department of Transportation ("IDOT") as Respondents. The Township requests an Order of the Commission authorizing that the TR 104 crossing be close, abolished, and barricaded, that the TR 117A (Eden Street) crossing be improved by the installation of automatic flashing light signals and gates, and that a connecting road be constructed between TR 104 and TR 117A. Petitioner further requests that the cost be divided between the parties and that a portion of the cost being borne by the Grade Crossing Protection Fund of the Motor Fuel Tax Law ("GCPF or Fund").

On July 9, 2003, public notice of the proposed closure was published in the Sullivan News Progress, a newspaper of general circulation.

On July 17, 2003, this matter came on for hearing before the Commission's Chief Administrative Law Judge at the Commission's Springfield offices. Present at the hearing was counsel for the Township. A representative of IDOT and a member of the Commissions' Railroad Section ("Staff") were present and participated in the hearing. There was no representative from the UP

present at the hearing. At the conclusion of the hearing the matter was marked "Heard and Taken."

#### TOWNSHIP'S TESTIMONY AT THE JULY 17, 2003 HEARING

Sullivan Township has jurisdiction over the two roadways subject to this Petition. Both roadways have an oil and chip surface and cross the tracks of the UP at an approximate 33° angle. TR 104 extends in a general north-south direction while TR 117A extends in a general east-west direction. The two roadways intersect each other immediately west of the crossing on TR 117A. These two crossings are located only 1/8 mile apart (1000 feet). The TR 117A crossing is currently equipped with automatic flashing light signals and the TR 104 crossing is posted with crossbuck signs. The crossing surface at TR 117A is in better condition than the crossing at TR 104 because the UP has just completed some minor improvements to the TR 117A crossing. The highway approaches to the TR 104 crossing are not in compliance with Commission requirements. The approaches are so steep that a motorist approaching the crossing cannot see a car approaching the crossing from the opposite direction.

The single main line track of the UP extends in a northeast to southwest direction. Train operations consist of approximately 24 freight trains per day at a speed lower than the maximum speed limit on the line, 60 mph. This reduced speed is the result of a crossover between the UP track and a track of the Illinois Central Railroad Company immediately northeast of the two subject crossings. With two major rail carriers crossing Moultrie County with the crossing point in the City of Sullivan, the UP crossings subject to this hearing are blocked by UP trains for periods of time when the interlocker is occupied by an IC train. Due to the length of the UP trains, when the blockages occur, usually both crossings are blocked at the same time. The average daily vehicular traffic on TR 117A is 750 vehicles per day and 175 vehicles per day on TR 104. A new traffic count was conducted after the Petition was filed. The speed limit on both roadways is 55 mph. The roadways carry local traffic, emergency vehicles (including a dive team), four school buses daily, and motorists going to and from the Lake Shelbyville Recreational Area and to local businesses such as Agri-Fab. A new subdivision has been built near the crossing and now that traffic is using TR 117A and TR 104 for access to the City of Sullivan. In addition, farm materials are hauled across the crossings that include such items as anhydrous ammonia and propane. A new gasoline distribution facility has been constructed to the north of the crossings and its trucks use both of the crossings.

The Moultrie County Highway Department is to be the agent for Sullivan Township and will perform and supervise all the required work to improve the highway approaches to TR 117A and to construct the new connecting road, including engineering, land acquisition, construction, and construction engineering. The two subject crossings were inspected as part of a larger corridor study. It was agreed by the parties that four crossings on the UP line be

closed. Three have already been addressed. TR 104 is the final crossing in the corridor for closure.

A connecting road between TR 104 and TR 117A will be constructed on the south side of UP tracks conforming to Motor Fuel Tax standards. The connecting road will be a major benefit to school bus and emergency vehicle traffic with southbound traffic bypassing the railroad tracks and possible crossing blockage by a UP train. The cost for the connecting road is estimated to be \$426,240. The County has already negotiated options for purchase of the required right-of-way for the connecting road contingent upon the entry of a Commission Order. The connecting road is designed for traffic of 350 cars a day at 40 mph because it is anticipated that more traffic will use the new roadway when completed. The new 2400-foot roadway will consist of an aggregate base with a 24-foot oil and chip bituminous surface. The roadway will have 4-foot shoulders on each side of the roadway. The roadway will extend through a low area with poor drainage necessitating the raising of the new roadway. This will require a large amount of fill dirt at a cost of \$113,000. The new roadway will intersect with TR 117A at a 90° angle approximately 150 feet east from the actual center of the TR 117A crossing.

Automatic flashing light signals and gates controlled by constant warning time circuitry and a new concrete crossing surface are scheduled to be installed at the TR 117A crossing. The existing timber crossing surface is 24 feet in length measured at a right angle to the roadway (40 feet as measured along the track) and is not properly aligned with the roadway surface. The highway approaches will be reconstructed to comply with Commission regulations. In combination with the approach improvements, the roadway surface of TR 117A will be widened from 20 feet to 24 feet with 4-foot shoulders on each side of the roadway. As stated previously, this will necessitate the installation of a wider crossing surface to cover the roadway surface and usable shoulder. Staff estimates this length to be 56 feet. There are no estimates for the warning device or crossing surface installation or for the closure of the TR 104 crossing. Staff has estimated these costs based on similar projects with the UP.

Staff had no objection to the division of cost for the improvements or to the Order being approved by the Commission.

On August 18, 2003, the Commission entered an Order requiring improvement of the highway approaches to TR 117A crossing and construction of a connecting roadway between TR 104 and TR 117A. The UP was required to install automatic flashing light signals and gates controlled by constant warning time circuitry and a new concrete crossing surface at the TR 117A crossing. The UP was further required to close, abolish and barricade the TR 104 crossing with type 3 barricades. All work is to be completed within one (1) year from the date of the Order.

The total estimated cost for the project is \$713,427.00. The GCPF was ordered to pay 90% of the installation of the AFLS and gates and 50% of the cost of the construction of the connecting road for a total of \$424,620.00. The Railroad was assessed 10% of the AFLS and gates, 100% of the cost to close and barricade and 50% of the cost for the construction of the connecting road for a total of \$275,325.00. The Township was ordered to pay \$13,482.00 towards the cost of the installation of new crossing surface.

On October 10, 2003, the UP filed its Motion For Rehearing. The UP stated that a Proposed Order should have been submitted to the parties for review before the Commission entered a final Order. In addition, the UP objected to the cost division as it applied to the connecting road. The Order divided the cost of the connecting road 50%-50% between the Fund and the UP.

On November 18, 2003, on the recommendation of the Chief Administrative Law Judge, the Commission granted the UP's Motion for Rehearing.

On January 15, 2004, this matter came on for hearing before the Commission's Chief Administrative Law Judge at the Commission's Springfield offices. Counsel represented the Township and UP. Representatives of the Department and Staff were present and participated in the hearing. At the conclusion of hearing the matter was marked "Heard and Taken."

#### TESTIMONY OF UP AT JANUARY 15, 2004, HEARING

David McKernan, Manager of Industry and Public Projects for the UP, testified at the hearing on January, 15, 2004. Mr. McKernan began his testimony by stating that there has been one car/train collision at each of the crossings between 1979 and 1981. Neither collision resulted in a fatality at either location in Moultrie County. He also stated the UP has never received a Citation for blocking either crossing with a train.

Mr. McKernan testified as to five past Commission Orders involving a minimum of: (1) the closure of a UP crossing(s); (2) the construction of a connecting road; and, (3) the improvement of an adjacent crossing(s) or grade separation structure. Testimony was also given on the cost division for the improvements as contained in the original Order. The testimony on the following cases pertained primarily with the amount of Fund participation in the cost for the construction of a connecting road.

The first project testified to by Mr. McKernan was Docket T99-0012 near St. Joseph in Champaign County, which involved the closure of two roadways (TR 296 and TR 205), the improvement of the TR 199 crossing by the installation of automatic warning devices thereat, and the construction of a connecting road

between TR 296 and TR 199. Prior to the hearing in this matter, Staff, the road agency and the UP had agreed on a cost division where the Fund was to pay 100% for the cost of constructing the connecting road. The Commission's Order, however, required the UP to pay 100% of the cost of the connecting road with the main reason being it was getting benefit from the closure of two at-grade crossings. This is the only Docket discussed by the UP where the UP was ordered to pay 100% of the cost for the construction of a connecting road (\$126,088).

The next project testified to by Mr. McKernan was in Docket T01-0019 that involved the closure of an antiquated railroad owned wooden bridge structure carrying Gore Canyon Road over the track of the UP, the removal of the wooden bridge, and the construction of a connecting road between Gore Canyon Road and CH 12. The UP was not allocated any cost for the connecting road (\$140,000), but was allocated 100% of the cost to remove the wooden bridge structure (\$50,000 est.) since it owned the structure. Actually, the removal of the bridge and the cost of the removal was considered the UP's contribution to the project and it was not assessed a portion of the cost for the connecting road.

Docket T02-0058, in the unincorporated community of Kirksville, Moultrie County, involved two crossings formed by an s-curve in TR 72 resulting in the crossing of the track of the UP twice adjacently. The Order required the northernmost crossing to be relocated approximately midway between the two existing TR 72 crossings. This crossing was ordered to be equipped with automatic flashing light signals and gates with the Fund paying 90% of the installation cost in an amount not to exceed \$179,726. The Order further required the construction of a connecting road parallel to and east of the UP's track, joining both ends of TR 72. The cost for the connecting road, \$208,693, was allocated 100% to the Fund. The other TR 72 crossing and the TR 161A crossing were ordered closed by the Order since the Township has previously agreed to vacate the roadway in the vicinity of the crossings.

The last project testified to by Mr. McKernan was again located in Moultrie County and involved the closure of the TR 137 crossing, the installation of automatic flashing light signals and gates at the CH 11 crossing and the construction of a connecting road from CH 11 around Kirksville to join with TR 137 (\$225,700). The Fund paid 95% of the warning device installation in the amount of \$223,500.

It should be noted that the aforementioned second, third, and fourth projects were accomplished by utilizing the Commission's Stipulated Agreement process. Under this process, Staff receives the estimates and plans from the parties, arranges agreement on the scope of improvements, a decision of cost for the improvements, and other matters involving the submission of plans, documents, etc. Staff prepares the Agreement and submits the agreement to the parties for execution. Once all the copies are back, Staff writes an Order based

upon the terms of the Stipulated Agreement and submits an Order to the Commission for approval. In the instance of these Orders, Sullivan Township of Moultrie County vacated the two crossings, after the entry of the Order but prior to the activation of the warning devices at the adjacent crossings. A Commission Order did not require the closure of the crossings.

#### TESTIMONY OF COUNTY ENGINEER AT JANUARY 15, 2004 HEARING

The County Engineer, Mr. Douglas Long, testified on behalf of Moultrie County and Sullivan Township. When a project involves the use of motor fuel tax funds, the County acts as the agent on behalf of the Township. This project was accomplished by Formal Petition instead of Stipulated Agreement, as was the case in previous projects within the Township. The other projects covered by Stipulated Agreement were accomplished with only minor problems voiced by the other parties. In this Docket, the County decided to file a Formal Petition instead of utilizing the Commission's Stipulated Agreement procedure because the County had proceeded with certain aspects of the project prior to the entry of an Order and it was going to take the UP approximately eight months to supply the necessary estimates of cost for the warning devices at the TR 117A crossing. As with the other projects in Moultrie County, the Fund was originally programmed to pay 100% of the connecting road cost. Mr. Delong further testified that the UP were very adamant about closing the TR 104 crossing and building the connecting road even after knowing the price as estimated at the site by Mr. Delong would be greater than the previous projects, mainly due to the amount of fill needed to increase the roadway elevation.

Under cross-examination by UP counsel, Mr. Delong stated that he knew from the beginning of the project that the cost of the connecting road in this Docket was going to be higher than at the other locations. This was passed on to Staff and to the UP. Both Staff and the UP wanted the project to proceed.

#### STAFF TESTIMONY AT JANUARY 15, 2004, HEARING

Staff testified that its position in this matter has not changed from the original hearing and remains of the opinion that the terms of the original Order be affirmed and meet by the aforementioned parties. Staff had \$250,000 programmed for the connecting road construction. No further Fund money was available for use toward the cost of the connecting road that totaled \$426,240. The Administrative Law Judge decided that the UP would benefit from the closure of the TR 104 crossing and the construction of the connecting road and assessed the cost for the connecting road 50%-50% between the Fund and the UP. Staff agrees with the original cost division and opines that the original Order should be affirmed.

#### ANALYSIS AND CONCLUSION

The UP, through previous Commission Orders, attempts to establish that the Commission, in most prior cases involving the construction of a connecting road, paid all the cost for a connecting road therefore establishing a precedence. However, the Commission is free to make decisions without regard to prior Commission Orders.

"The concept of public regulation includes of necessity the philosophy that the commission shall have power to deal freely with each situation as it comes before it, regardless of how it may have dealt with a similar or even the same situation in a previous proceeding. What ever may be the moral obligation of the commission to adhere to the purpose and spirit of its own previous orders, it cannot be said that it is under a legal duty to do so." Mississippi River Fuel Corp. v. Illinois Commerce Commission, 116 N.E. 2d 394 p. 396

The UP's closing argument centered on two points; (1) that Staff should have given longer notice to the parties of its inability to pay 100% of the cost of the connecting road and (2) the benefit to the UP for the closure of the TR 104 crossing is far less than the \$213,120 allocated to the UP for 50% the cost of the connecting road. The UP believes that the benefit goes mainly to the road agency and the vehicular traffic traveling to Lake Shelbyville. In rebuttal, the UP received a copy of the Commission's FY 2004-2008 Crossing Safety Improvement Program that had this project listed as a FY 2003 project with the Fund, among other funding in the project, allocating \$250,000 toward the cost of the connecting road. During prior hearings on similar cases, the UP was made aware of the financial condition of the Fund and that parties were being required to pay higher percentages for improvements than they had in the past. The UP should have surmised that there was the possibility of it paying a larger portion of the cost of the improvements(s). As to the benefit to the railroad for the closure of the TR 104 crossing, it is true that most of the vehicular traffic are recreational vehicles going to the lake or commercial vehicles to Agri-Fab, but the priority here is that vehicular traffic no longer has to cross the UP track at any point to get to the recreational facilities as before. Additionally, the railroad will not have the maintenance cost with the closure of the TR 104 crossing. And such cost would increase dramatically if the TR 104 crossing were left open and signalized. Also, with the closure of the TR 104 crossing, the UP will no longer have financial liability at the crossing in case of a vehicle/train collision.

On March 29, 2004, an Administrative Law Judge's Proposed Order On Rehearing was served on the parties. Any Exceptions and or Replies filed thereto have been considered.

After review of the testimony, the original Order should be affirmed.

The Commission, having given due consideration to the entire record herein, finds that:

- 1) The Commission has jurisdiction over the parties hereto and the subject matter herein;
- 2) The recitals of fact as set forth in the prefatory portion of this Order are true and correct and are hereby adopted as findings of fact;
- 3) The TR 117A crossing should be equipped with automatic flashing light signals and gates controlled by constant warning time circuitry; and a new 56 foot concrete, crossing surface; the highway approach grades to the TR 117A crossing should be brought into compliance with the grade requirements of 92 Ill. Adm. Code 1535.204;
- 4) The TR 104 should be closed, abolished, and barricaded to vehicular traffic; said barricades being a type 3 barricade conforming to the requirements of 92 Ill. Adm. Code 1535.701 and the Manual on Uniform Traffic Control Devices; the UP should re-establish any ditch lines along its track for proper drainage; signs should be posted advising of the closure of the roadway; the TR 104 crossing should not be closed until the signal system required at the TR 117A crossing is placed in service;
- 5) A connecting road should be constructed between TR 104 and TR 117A substantially in the location and in the manner as testified to by the consulting engineer hired by the Township;
- 6) The cost of the aforementioned improvements should be divided between the parties and the GCPF as required by Law;
- 7) The cost for the aforementioned improvements should be divided in the following manner:

<b>Improvement</b>	<b>Estimated Cost</b>	<b>GCPF</b>	<b>Railroad</b>	<b>Township</b>
Install AFLS and gates w/CWT circuitry	\$*235,000	90% (\$211,500)	10% (\$23,500)	—
Install crossing surface	\$(*) 60,000	—	**\$40,000	**\$20,000
Reconstruct highway approaches to TR 1172 and	\$426,240	50%	***50%	—



construct connecting Road.		(\$213,120)	(\$213,120)	
Close TR 104	\$*5,000	—	100% \$5,000	—
<b>Total</b>	<b>\$713,427</b>	<b>\$424,620</b>	<b>\$275,325</b>	<b>\$13,482</b>

The amount to be paid by the Fund for the installation of the warning devices at TR 117A and the construction of the connecting road should not exceed \$211,500 and \$213,120, respectively; the amount to be paid by the UP toward the connecting road should not exceed \$213,120, all remaining cost for the warning device installation, the sum of \$40,000 toward the crossing surface installation, and all cost of future maintenance and operation of the warning devices, and all cost of future maintenance of the crossing surface should be borne by the Railroad.; any remaining cost for the installation of the connecting road, the sum of \$20,000 toward the installation of the crossing surface, and all cost of future maintenance of the highway approaches to TR 117A, and all cost for future maintenance and ownership of the connecting road should be borne by the Township;

\* designates that estimates were not supplied by the UP; estimates as shown were prepared by staff using estimates submitted by the UP for similar projects. (\*) estimate for crossing surface from testimony of the UP at the January 15, 2004, hearing. The Railroad is required to submit detailed estimates of cost for the warning devices and crossing surface for the Department's and staff review and approval prior to starting the work of installation.

\*\*the cost of the crossing surface is divided between the UP and the Township in that the existing crossing surface is showing deterioration and the wider roadway and shoulder area require a new, wider surface. The UP has been charged for replacing the 40-foot crossing and the Township for the increased width.

\*\*\*the Railroad has been assessed a portion of the cost for the construction of the connecting road because of the benefit it receives from the closure of the TR 104 crossing. The closure reduces the Railroads liability and maintenance costs as discussed in the prefatory portion of this Order on Rehearing.

- 8) 625 ILCS 5/18c-1701 and 1704 require each "person", as defined by Section 18c-1104, to comply with every regulation or Order of the Commission. These sections further provide that any person who fails to comply with a Commission regulation or order shall forfeit to the state not more than \$1,000 for each such failure, with each day's continuance of the violation being considered a separate offense. While the Commission expects the parties to comply with this Order in all matters addressed herein and in a

timely manner, the Commission advises the parties that any failure to comply may result in the assessment of such sanctions.

IT IS THEREFORE ORDERED by the Commission that the UP be, and it is hereby, required and directed to install automatic flashing light signals and gates controlled by constant warning time circuitry at its crossing with TR 117A in Township and thereafter maintain and operate same.

IT IS FURTHER ORDERED that the UP be, and it is hereby, required and directed to install a new, 56 foot concrete crossing surface at its crossing with TR 117A and thereafter maintain same.

IT IS FURTHER ORDERED that the Township be, and it is hereby, required and directed to reconstruct the highway approaches to the TR 117A crossing to conform to the requirements of 92 Ill. Adm. Code 1535.204 and thereafter maintain same.

IT IS FURTHER ORDERED that the TR 104 crossing be, and it is hereby, required and directed to be closed, abolished, and barricaded to vehicular traffic; said barricades conforming to the requirements of 92 Ill. Adm. Code 1535.701 and the Manual on Uniform Traffic Control Devices. In addition, signs should be posted and maintained by the Township advising the motoring public that TR 104 is closed; said signs shall be posted prior to the crossing per the requirements of the Manual on Uniform Traffic Control Devices; the TR 104 crossing shall not be closed until the signal system required installed at the TR 117A crossing is placed in service.

IT IS FURTHER ORDERED that the Township be, and it is hereby, required and directed to construct a connected road between TR 117A and TR 104 in the place and substantially in the manner as testified to by the consulting engineer under hire by Sullivan Township.

IT IS FURTHER ORDERED that the UP shall within one hundred twenty (120) days from the date of this Order on Rehearing, furnish to the IDOT for its approval two (2) copies of the detailed estimates of cost and two (2) of the general layout plan applying to the installation of the automatic flashing light signals and gates and concrete crossing surface.

IT IS FURTHER ORDERED that the Township shall within one hundred twenty (120) days from the date of this Order on Rehearing, furnish to the IDOT for its approval two (2) copies of the detailed estimate of cost and two (2) copies of the plans applying to the construction of the connecting road.

IT IS FURTHER ORDERED that the IDOT shall within thirty (30) days of its receipt of the aforesaid plans and estimates, furnish to the Commission a

statement of its approval or disapproval thereof, this for the information of the Commission when considering the application to be filed in accordance with Form 3 of 92 Ill. Adm. Code 1535.

IT IS FURTHER ORDERED that the UP shall file Form 3 of 92 Ill. Adm. Code 1535 of this Commission showing details of the automatic warning devices herein required and shall receive approval thereof by X-Resolution before commencing the work of installation.

IT IS FURTHER ORDERED that the cost of making the improvements herein required shall be divided among the parties and the Fund, as set forth in Finding 7 herein. Due to the deteriorating condition of the existing crossing surface and to the increased width necessitated by the increased roadway and shoulder width, the cost for the crossing surface installation has been divided between the Township and UP. The UP will pay for replacing the existing crossing surface with its standard surface (concrete) and the Township will pay that portion for the increased width necessitated by the increased roadway and shoulder width.

IT IS FURTHER ORDERED that all bills for expenditures authorized to be reimbursed from the Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Springfield, IL 62764. A copy of all bills received shall be submitted to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from the UP and Township shall be clearly marked "Final Bill". All bills shall be submitted no later than twelve (12) months from the date of completion as set forth in this Commission Order. The Department shall, at the end of the 12<sup>th</sup> month from the Commission Order completion date, de-obligate all residual funds accountable for the cost of the warning device installation.

IT IS FURTHER ORDERED that the UP and Township shall file a written report with the Director of Processing and Information, Transportation Division of the Commission, within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures of the project and the percentage of completion of the project; if the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

IT IS FURTHER ORDERED that the UP and Township shall at six (6) month intervals from the date of the Order until the project has been completed, each submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress they have made toward the completion of the project. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in this Order, crossing information (the name, title, mailing address, telephone number, and facsimile number of the UP and Township employee responsible for management of their portion of the project).

IT IS FURTHER ORDERED that any person making a Request For Extension Of Time up to 30 days to complete a project ordered by the Commission must file a request with the Director of Processing no later than 14 days in advance of the scheduled deadline. An Administrative Law Judge will consider and decide the request.

IT IS FURTHER ORDERED that any person requesting an extension of time that exceeds 30 days must file a Petition For Supplemental Order with the Director of Processing no later than 21 days in advance of the scheduled deadline. The Commission will decide Petitions For Supplemental Orders.

IT IS FURTHER ORDERED that requests for Extension Of Time and Petitions For Supplemental Orders must include the reason(s) the additional time is needed to complete the work and the time within which the project will be completed. Prior to submitting a Request For Extension Of Time or a Petition For Supplemental Order, the person must notify the Commission's Rail Safety Program Administrator that it is unable to complete the project within the ordered time.

IT IS FURTHER ORDERED that the Commission or its Administrative Law Judge reserves the right to deny Petitions For Supplemental Order and Requests For Extension Of Time, if the reason(s) supporting the request is insufficient or where it appears the person has not made a good faith effort to complete the project within the allotted time. Failure of the Commission or Administrative Law Judge to act on a pleading prior to the deadline means the originally ordered completion date remains in effect.

IT IS FURTHER ORDERED that the UP shall submit to the Director of Processing and Information, Transportation Division of the Commission within five (5) days of the completion of the work herein required, National Inventory Update Report Forms as notice of said completions.

IT IS FURTHER ORDERED that the Township be, and it is hereby, required and directed to submit a written notice, to the Director of Processing and Information, Transportation Division of the Commission, of the date the work herein required of it has been completed, said notice shall be submitted within five (5) days after the date for the completions.

IT IS FURTHER ORDERED that subject to Sections 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to Administrative Review Law.

By Order of the Commission this 5<sup>th</sup> day of May, 2004.

JUDGE	<i>[Signature]</i>
SECTION CHIEF	<i>[Signature]</i>
ORDERS SUPERVISOR	<i>[Signature]</i>

*Edward C. Husley*  
Chairman